

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	No.: 13-cr-171-02
	:	
ASKIA WASHINGTON	:	

PROPOSED VOIR DIRE

COMES NOW defendant Askia Washington, by and through his attorney, Roland B. Jarvis, Esquire, and submit the following questions for consideration and use during jury selection:

1. Do you believe you will be able unable to decide this case fairly for either the Government or Mr. Washington because of the nature of the charges contained in the Indictment?
2. One or more of the witnesses in this case have received, or may receive in the future, lesser sentences in exchange for cooperation with the government. Entering into plea agreements is lawful and proper. Do any of you believe that the government should not offer reduced sentences in exchange for cooperation and testimony?
3. One or more of the witnesses in this case have received, or may receive in the future, monetary compensation with government funds in exchange for working as an undercover informant with the government. Entering into confidential informant agreements is lawful and proper. Do any of you believe that the government should not offer financial incentives to private citizens in exchange for services as an agent of the investigating authority?
4. Do you have any information with respect to the alleged offenses or know anything about the facts of the Indictment? What about other so called ATF Drug Stash house cases in general? Has anyone seen, heard, or read anything about this case or similar cases on radio, television or in the newspapers or on the Internet?

5. Have you heard anything about this case since you arrived at the courthouse? If so: (answers to be elicited at bench)

- A. What have you heard or read?
- B. Based upon what you have heard or read, have you formed any opinion about the charges or the guilt or innocence of the defendant?
- C. Could you follow my instructions and disregard what you heard or read and determine the guilt or innocence of the defendant on the basis of the evidence introduced at trial?

6. The defendant in a criminal case is allowed to testify if he wishes, but is never required to testify and is afforded the presumption of innocence. Under the law, jurors are not allowed to hold against the defendant because he chooses not to testify. Could you follow this rule?

7. The defendant in a criminal case is also allowed to have legal counsel appointed if he cannot afford to hire one. In this case, Roland B. Jarvis, Esquire, of Jarvis Law Associates, P.C., Philadelphia, Pa., was appointed to help Mr. Washington prepare his defense in this case. In addition to his criminal defense practice, Mr. Jarvis also practices personal injury and civil rights law in Ohio, Pennsylvania and the U.S. Virgin Islands. Are any of you familiar with Mr. Jarvis or his law firm?

8. Do you believe that selling drugs is a valid or reasonable means of employment?

9. Do you, or does any member of your family, or any close friend, have any dealings with the United States Government or any of its agencies, from which you might profit?

10. Have you ever had, or do you now have, or do you presently anticipate having, any case or dispute with or claim against the United States Government?

11. Are you, or have you ever been, involved with or worked for the United States Government, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Philadelphia Police Department or any other federal, state or local law enforcement agency?

12. Is any member of your family, or any close friend, presently or have they ever been, involved with or worked for the United States Government, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Philadelphia Police Department or any other federal, state or local law enforcement agency?

13. Are you, or have you ever been, or has any member of your family, or any close friend, presently or have they ever been, involved in the private security business? If yes, please explain.

14. Have you ever served on any town watch or community safety group or auxiliaries?

15. Do you believe that the testimony of law enforcement officers should be given more weight merely because of their status as law enforcement officers?

16. Has anyone had any positive experiences with law enforcement officers or agents that would cause you not to be fair and impartial?

17. Would you have any difficulty with the Court's instruction that testimony of an alleged co-conspirator(s) to an alleged crime and the testimony of a person(s) who has/have already pleaded guilty to a crime is to be received with caution and weighed in light of the interest of such witness in the outcome of a proceeding and in light of his agreement with the government to appear as a witness on behalf of the government?

18. You will hear the testimony of a cooperating witness(es) to the crime who is/are testifying in exchange for a deal with the government for a break or reduced sentence. Would you have a problem with the Court's instruction that you must look at such testimony with greater scrutiny than the testimony of other witnesses?

19. Would you have any problem deciding whether the testimony of a cooperating witness(es) may have been influenced by the government's promise and whether the testimony of the cooperating witness(es) was/were affected by self-interest, or by the agreement they have with the government, or by their own interest in the outcome of this case, or by prejudice against the defendant?

20. Would you have any problem with the Court's instruction that the mere fact a cooperating witness(es) has/have entered or has/have agreed to enter a plea of guilty to the offense charged is not evidence of the guilt of any other person including the defendant?

21. Would you have any problem with the Court's instruction that you cannot convict the defendant based on the unsupported testimony of such witnesses, unless you believe their testimony beyond a reasonable doubt?

22. Do you believe anyone charged with a crime is guilty?

23. Do you understand that merely because someone is indicted does not mean they are guilty?

24. Do you have a problem accepting the notion that the burden of proof at all times lies with the Government and that they must prove their case to your collective satisfaction?

25. Do you feel that criminal defendants have too many rights? Do you think that the accused should present a defense or are you comfortable with the fact that a defendant need not come forward to prove or disprove anything?

26. Would you be influenced by the religion, race, color, sex or ethnic background of a witness in considering the believability of his or her testimony?

27. Do you believe persons of African-American heritage are more prone to commit crimes?

28. Would the fact that Mr. Washington is of African-American descent affect your judgment in this case or cause you difficulty in reaching a fair verdict?

29. Do you have opinions, religious beliefs, philosophies, or prejudices which would make you unable to come to a verdict in this case? For example, do you believe that no person should ever be judged or convicted? Do you believe that a person is guilty just because he or she is here in Court?

30. Do you know of any reason why you may be prejudiced for or against the Government, for or against any witness, or for or against any defendant, because of the nature of the charges or otherwise?

31. Do you belong to any organization, which takes a position regarding the prosecution or enforcement of firearm or drug trafficking related offenses? If so, what organizations do you belong to?

32. Have you or any member of your immediate family or close friend ever participated in or belonged to organizations that deal with drug treatment and drug addiction?

33. Have you ever been involved in a crime involving a gun or involved in a situation where a gun was used against you in a threatening manner?

34. Have you or any immediate family members belonged to any organizations that deal with gun control, or pro-gun organizations or clubs such as the National Rifle Association?

35. Do you understand that a defendant is not required to testify and that a defendant's decision not to testify cannot be held against him? Even understanding this, do you tend to believe that a defendant is probably guilty because he does not testify in his own defense?

36. Do you think our criminal justice system would be better served if defendants were required to testify at their trials?

37. Would you expect that a defendant who really was not guilty would take the stand and tell the jury why he or she was not guilty?

38. Do you think that there are valid reasons why a person who is not guilty would choose not to testify at his or her trial?

39. Do you think that a person is probably guilty if he has been charged with a crime and brought here for a trial or that because he was arrested and charged, he must be guilty of something?

40. Do you understand that it is the government that has the burden of proof and that the government must prove the defendant guilty beyond a reasonable doubt before he can be convicted?

41. Will you be able to follow the rule of law that the mere fact that the defendant is charged in an Indictment may not be considered as evidence against him, that he is presumed innocent, and that he need not prove his innocence but that the government must prove his is guilty beyond a reasonable doubt?

42. Do you think that you would need to hear both sides before you could make up your mind?

43. As you look at the defendant now here in court, do you have a feeling one way or another as to his innocence or guilt?

44. If you were representing the Government or the Defendant(s) in this case, is there any reason why you would not be content to have the case decided by someone in your frame of mind?

45. Do you have a problem with your hearing, your eyesight, or any other disability, which would in any manner prevent you from either hearing or seeing the evidence presented at trial?

46. Are you taking any medication that might interfere with your ability to concentrate, understand, consider, and weigh the evidence in this case?

47. Do you have any physical, emotional, or psychological issues that would prevent you from sitting on a jury and rendering a fair and impartial verdict?

48. Do you have a sufficient understanding of the English language to allow you to read the exhibits introduced into evidence and to understand the testimony of witnesses?

49. Is there any matter pending in your life, about which you are concerned, that would prevent you from devoting your full, undivided attention to this trial?

50. Do you know of any reason why you could not give the defendant and the prosecution a fair trial?

51. Is there any reason that you would prefer to discuss in private concerning your inability to be a fair and impartial juror?

Respectfully submitted,

JARVIS LAW ASSOCIATES, P.C.

By: s/Roland B. Jarvis

ROLAND B. JARVIS, ESQUIRE
CJA Counsel for Mr. Washington
1528 Walnut Street, Suite 1400
Philadelphia, PA 19102
jarvislaw7@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that, on this 31st day of May 2015, a true and correct copy of the foregoing Proposed Voir Dire was been served via the Court's electronic filing system and hand delivery upon to the following:

Salvatore Astolfi, Esquire
Assistant United States Attorney
United States Attorney's Office
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106-4476

Askia Washington
FDC – Philadelphia
7th and Arch Street
Philadelphia, PA 19106

s/ Roland B. Jarvis

ROLAND B. JARVIS, ESQUIRE
Attorney for Defendant
Askia Washington